

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	CORRECTED NOTICE OF
17.24.132, 17.24.133, 17.24.134,)	ADOPTION
17.24.136, 17.24.1206, 17.24.1211,)	
17.24.1218, 17.24.1219, 17.24.1220,)	(AIR QUALITY)
17.56.121 and the repeal of 17.24.1212)	(ASBESTOS)
pertaining to revising enforcement)	(HAZARDOUS WASTE)
procedures under the Montana Strip and)	(JUNK VEHICLES)
Underground Mine Reclamation Act, the)	(MAJOR FACILITY SITING)
Metal Mine Reclamation Laws and the)	(METAL MINE RECLAMATION)
Opencut Mining Act, and the)	(OPENCUT MINING)
amendment of ARM 17.30.2001, and)	(PUBLIC WATER SUPPLY)
17.30.2003, repeal of 17.24.1212,)	(SEPTIC PUMPERS)
17.30.2005, 17.30.2006 and 17.38.606)	(SOLID WASTE)
and the adoption of new rules I through)	(STRIP AND UNDERGROUND
VII pertaining to providing uniform)	MINE RECLAMATION)
factors for determining penalties)	(SUBDIVISIONS)
)	(UNDERGROUND STORAGE
)	TANKS)
)	(WATER QUALITY)

TO: All Concerned Persons

1. On December 22, 2005, the Board of Environmental Review and the Department of Environmental Quality published MAR Notice No. 17-239 regarding a notice of public hearing on the proposed amendment, repeal, and adoption of the above-stated rules at page 2523, 2005 Montana Administrative Register, issue number 24. On May 4, 2006, the board and department published the notice of amendment, repeal and adoption of the rules at page 1139, 2006 Montana Administrative Register, issue number 9.

2. This corrected notice of amendment is being published to add a portion of a sentence that was inadvertently omitted in the adoption notice for New Rule VIII (17.4.307). The language contained in New Rule VIII appeared in the notice of proposed rulemaking as New Rule VI(7). Upon adoption, the board and department deleted the language from New Rule VI and placed it in New Rule VIII(1). However, the underlined language was inadvertently omitted from New Rule VIII. New Rule VIII, as adopted, reads as follows with the previously omitted language underlined for illustrative purposes:

NEW RULE VIII (17.4.307) ECONOMIC BENEFIT (1) The department may increase the total adjusted penalty, as calculated under ARM 17.4.305, by an amount based upon the violator's economic benefit. The department shall base any penalty increase for economic benefit on the department's estimate of the costs of

compliance, based upon the best information reasonably available at the time it calculates a penalty under these rules. The economic benefit must be added to the total adjusted penalty calculated under ARM 17.4.305 to obtain the total penalty.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ James M. Madden

JAMES M. MADDEN

Rule Reviewer

By: /s/ Joseph W. Russell

JOSEPH W. RUSSELL, M.P.H.,

Chairman

DEPARTMENT OF ENVIRONMENTAL
QUALITY

BY: /s/ Richard H. Oppen

RICHARD H. OPPER, Director

Certified to the Secretary of State, May 22, 2006.